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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,546	12/02/2004	Han Leng Paxton Tan	SG 020011	5711
65913	7590	07/10/2008		
NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			EXAMINER HU, RUI MENG	
			ART UNIT 2618	PAPER NUMBER
			NOTIFICATION DATE 07/10/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary	Application No. 10/516,546	Applicant(s) TAN, HAN LENG PAXTON	
	Examiner RuiMeng Hu	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's Appeal Brief together with arguments filed on 04/07/2008 have been fully considered and are persuasive. Therefore, the final rejection mailed on 11/06/2007 has been withdrawn. However, the present Office Action is still made final in view of Applicant's amendment filed on 11/28/2006 wherein necessitated the new ground(s) of rejection. Further, Applicant's arguments filed on 11/28/2006, 07/23/2007 and 04/07/2008 with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

Response to Amendment

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. **Claims 1-3** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Moers (US Patent 6957053)** in view of **Tanaka et al. (US Patent 5870666)**.

Consider **claim 1**, Moers discloses method of auto-tuning a radio FM-receiver (abstract) by scanning the receiver frequency band (column 4 lines 23-41) until a FM signal is received meeting criteria (column 4 line 66-column 5 line 5) for identifying the signal as being of a predetermined quality (predetermined threshold level qt), particularly coming from a valid FM station (column 4 lines 23-41), wherein at least during tuning it is established whether or not the FM signal meets the criteria, whereafter the FM signal is tested a number of times, and information denoting a frequency of the FM signal is only stored (column 4 lines 23-41) if the criteria are met (column 5 lines 25-44, column 6 lines 29-50, the detected signal is stored by meeting the permanency factor $px=1$).

However Moers fails to disclose the frequency/channel has passed a quality test a majority of a predetermined number of times.

In the same field of endeavor, Tanaka et al. disclose a radio frequency receiver comprising a signal quality determination circuit, wherein the signal quality determination circuit tests a received RF channel signal for a predetermined number of times, and determines the received RF channel signal has passed a quality test a majority of the predetermined number of times (column 3 line 63-column 4 line 12, figure 2, the test is repeated M (a predetermined integer) times, passed the test a majority of the times as $F < 0$).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the selection technique taught by Tanaka et al. into the art of Moers as to determine the received RF channel signal has passed the quality test a majority of the predetermined number of times for greater assurance/confidence.

Consider **claim 2, as applied to claim 1**, Moers as modified by Tanaka et al. discloses that the results are read 10 times and the information denoting a frequency of the FM signal is only stored if at least 8 times thereof the criteria are met (In the case of $M=10$, passes at least 6 times as $F \geq -2 < 0$; passes at least 8 times as $F \geq -6 < -4$, thus replacing $F < 0$ with $F < -4$ is a design choice and proper as to increase threshold of confidence level).

Consider **claim 3**, Moers discloses an auto tuning device (abstract, figure 1) comprising: means for registering whether or not a FM signal (column 4 lines 23-41), received in a radio FM receiver (column 4 lines 23-41), meets criteria (column 4 line 66-column 5 line 5) for identifying the signal as being of a predetermined quality (predetermined threshold level qt), particularly coming from a valid FM station (column 4 lines 23-41), counting means (column 5 lines 25-44, counted for a total of three times, i.e. the detected signal upon the initial scan is tested for two more times) for registering in an interval of a predetermined number of times that is registered whether or not the FM signal meets the criteria (column 5 lines 25-44), the number of times the FM signal meets the criteria, and means (column 4 lines 23-41) for storing information denoting a

frequency of the FM signal only if the criteria are met (column 5 lines 25-44, column 6 lines 29-50, the detected signal is stored by meeting the permanency factor $px=1$).

However Moers fails to disclose the frequency/channel has passed a quality test a majority of a predetermined number of times.

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the selection technique taught by Tanaka et al. into the art of Moers as to determine the received RF channel signal has passed the quality test a majority of the predetermined number of times for greater assurance/confidence.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RuiMeng Hu whose telephone number is 571-270-1105. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2618

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RuiMeng Hu
R.H./rh
June 25, 2008

/Edward Urban/

Supervisory Patent Examiner, Art Unit 2618